

1 **R277. Education, Administration.**

2 **R277-733. Adult Education Programs.**

3 **R277-733-1. Definitions.**

4 A. "Adult" means an individual 18 years of age or over.

5 B. "Adult education" means organized educational programs
6 below the collegiate/postsecondary level, other than regular
7 full-time K-12 secondary education programs, provided by
8 school districts or nonprofit organizations affording
9 opportunities for individuals having demonstrated both
10 presence and intent to reside within the state of Utah who are
11 out-of-school youth (16 years of age and older) or adults who
12 have or have not graduated from high school, to improve their
13 literacy levels and to further their high school level
14 education.

15 C. "Adult Basic Education (ABE)" means a program of
16 instruction below the 9.0 academic grade level for adults who
17 lack competency in reading, writing, speaking, problem solving
18 or computation at a level that substantially impairs their
19 ability to find or retain adequate employment that will allow
20 them to become employable, contributing members of society and
21 preparing them for advanced education and training. The
22 instruction is designed to help adults by:

23 (1) increasing their independence;

24 (2) improving their ability to benefit from occupational
25 training;

26 (3) increasing opportunities for more productive and
27 profitable employment; and

28 (4) making them better able to meet adult
29 responsibilities.

30 D. "Adult Education and Family Literacy Act (AEFLA)"
31 means Title II of the Workforce Investment Act (WIA) of 1998
32 which provides the principle source of federal support for
33 adult basic and literacy education programs for adults who
34 lack basic skills, an Adult Education Secondary Diploma or its
35 equivalency, or proficiency in English.

36 E. "Adult High School Completion (AHSC)" means a program
37 of academic instruction at the 9.0 grade level or above in

Board-approved subjects for eligible adult education students who are seeking an Adult Education Secondary Diploma from an adult education program.

F. "Board" means the Utah State Board of Education.

~~[G. "Certificate of GED" means a certificate diploma issued by the USOE to an individual who has successfully passed all five subject areas of the GED based on Utah passing standards; measuring the major and lasting outcomes and concepts associated with a traditional four-year high school education. This definition is effective until July 1, 2009.]~~

[H]G. "Community-Based Organization (CBO)" means a nonprofit organization:

(1) eligible for and accepting federal AEFLA funds; and

(2) for the sole purpose of providing adult education services to qualified adult education learners.

(3) All rules and laws that apply to schools/school districts shall also apply to CBOs that receive adult education funding.

(4) CBOs:

(a) apply to the USOE;

(b) receive adult education funding through a competitive process; and

(c) receive USOE funding on a reimbursement basis only.

[I]H. "Consumable items" means student workbooks, student packets, computer disks, pencils, papers, notebooks, and other similar personal items for which a student retains ownership during the course of study.

[J]I. "Desk monitoring" means the review of UTopia data to ensure program integrity.

[K]J. "Eligible adult education student" means an individual who provides documentation that his primary and permanent residency is in Utah, and:

(1) is 17 years of age or older, and whose high school class has graduated; or

(2) is under 18 years of age and is married; or

(3) has been adjudicated as an adult; or

(4) is an out-of-school youth 16 years of age or older

75 who has not graduated from high school.

76 [K]. "Enrollee" means an adult student who has 12 or
77 more contact hours in an adult education program during a
78 fiscal/program year, an academic assessment establishing an
79 Entering Functioning Level, has an adult education Student
80 Education Occupation Plan (SEOP) with an established goal, and
81 a defined funding code. Enrollee status is based on the last
82 date that all of the above items are entered into UTopia.

83 [L]. "English for Speakers of Other Languages (ESOL)"
84 is an instructional program provided for non-native language
85 speakers.

86 [M]. "Fee" means any charge, deposit, rental, or other
87 mandatory payment, however designated, whether in the form of
88 money or goods. Admission fees, transportation charges, and
89 similar payments to third parties are fees if the charges are
90 made in connection with an activity or function sponsored by
91 or through an adult education program. All fees are subject
92 to approval by the local school board of education or local
93 board of trustees.

94 [N]. "General Educational Development (GED) preparation"
95 means a program that provides instruction in five specific
96 subject areas for eligible adult education students who seek
97 a Utah High School Completion Diploma by successfully passing
98 all five GED Tests. This definition is effective on July 1,
99 2009.

100 [O]. "General Educational Development (GED) Testing"
101 means the test required under R277-702.

102 [P]. "Latest official census data" means the most
103 current statistical information available used to determine
104 the number of adults who need adult education services, and
105 determined by:

- 106 (1) individuals 16 years of age and older; or
- 107 (2) individuals 16 years of age and older whose primary
108 language is other than English; or
- 109 (3) individuals 16 years of age and older without a high
110 school diploma or its equivalency - ungraduated adults.

111 [Q]. "Measurable outcomes" means indicators of student

achievement in adult education programs used for state funding purposes. These outcomes are described in R277-733-9.

[§]R. "Other eligible adult education student" means an individual 16 to 19 years of age whose high school class has not graduated and is counted in the regular school program. The funds generated, weighted pupil unit (WPU) or collected fees or both, are credited to the adult education program for attendance in an adult education program.

[¶]S. "Out-of-school youth" means a student 16 years of age or older who has not graduated from high school and is no longer enrolled in a K-12 program of instruction.

[⊕]T. "Participant" means an adult education student who does not meet the qualifications of an adult education enrollee.

[∀]U. "Teachers of English to Speakers of Other Languages (TESOL)" means a credential for teachers of ESOL.

[₩]V. "Tuition" means the base cost of an adult education program that provides services to adult education students.

[×]W. "USOE" means the Utah State Office of Education.

[¥]X. "Utah High School Completion Diploma" is a diploma issued by the Board and distributed by the GED Testing Centers as agents of the Board to an individual who passes all five subject areas of the GED Tests at a Utah GED Testing Center based on Utah passing standards; measuring the major and lasting outcomes and concepts associated with a traditional four-year high school experience. [~~This definition is effective on July 1, 2009.~~]

[⦿]Y. "UTopia" means Utah Online Performance Indicators for Adult Education statewide database.

[AA]Z. "Waiver release form" means a form signed at least annually by an adult education student allowing for release of the student's personal data and student education occupation plan, including social security number and GED scores, for data matching purposes with agencies such as the Department of Workforce Services, higher education, Utah State Office of Rehabilitation and GED Scoring Services. Signed waiver release allows a student's education records to be shared with

149 other adult education programs or interested agencies for the
150 purpose of skill development, job training or career planning,
151 or other purposes.

152 **R277-733-2. Authority and Purpose.**

153 A. This rule is authorized by Utah Constitution Article
154 X, Section 3 which gives general control and supervision of
155 the public school system to the Board, Section 53A-15-401
156 which places the general control and supervision of adult
157 education under the Board, Section 53A-1-402(1) which allows
158 the Board to adopt minimum standards for programs and Section
159 53A-1-401(3) which allows the Board to adopt rules in
160 accordance with its responsibilities. Additionally, the Board
161 and Board of Regents are directed to provide adult education
162 programs to inmates under Section 53A-1-403.5.

163 B. The purpose of this rule is to describe curriculum,
164 program standards, allocation formulas, and operation
165 procedures for the adult education program for adult education
166 students both in and out of state custody.

167 **R277-733-3. Federal Adult Education.**

168 The Board adopts the Adult Education and Family Literacy
169 Act (AEFLA), Title II of the Workforce Investment Act (WIA),
170 Public Law 105-220, 20 U.S.C. 1201 et seq., hereby
171 incorporated by reference, and the related current state plan
172 required under that statute, as the standards and procedures
173 governing both federal and state funding of adult education
174 programs, administered by the USOE.

175 **R277-733-4. Program Standards.**

176 A. Local Utah adult education programs shall comply with
177 state and federal requirements and Board rules and follow
178 procedures as defined in the Utah Adult Education Policy and
179 Procedures Guide published, updated, and available from the
180 USOE.

181 B. Local Utah adult education programs shall make
182 reasonable efforts to market and inform prospective students

183 within their geographic areas of the availability of the
184 programs and provide enrollment information.

185 C. Utah adult education services may be offered to
186 qualifying individuals whose primary residence is located in
187 a community closely bordering Utah not conducive to commuting
188 to the bordering state's closest adult education program.
189 These individuals if approved by the adult education program
190 in the school district providing the services, shall not be
191 charged out-of-state Adult Education tuition.

192 D. Adult education programs/courses may also be made
193 available to Utah residents who are between the ages of 16 and
194 18, as determined necessary by local adult education programs.

195 E. Local adult education programs shall make reasonable
196 efforts to schedule classes at local community sites and times
197 that meet the needs of adult education students.

198 F. Each eligible adult education student shall have a
199 written Student Education Occupation Plan (SEOP) defining the
200 student's goal(s) based upon a complete academic assessment,
201 prior academic achievement, work experience and an established
202 Entering Functioning Level. Annually, the plan shall be
203 reviewed by the student and a designated program official and
204 maintained in the student's file along with a signed data
205 matching/agency sharing waiver release form.

206 G. Only courses identified in R277-733-7 qualify for
207 adult education funds.

208 H. Local adult education programs shall establish and
209 maintain a local adult education advisory committee consisting
210 of representation from the Utah Department of Workforce
211 Services, Vocational Office of Rehabilitation, higher
212 education and other interested community members with the
213 responsibility to advocate for exemplary adult education
214 programs through collaboration and partnerships with
215 businesses and other community agencies.

216 I. The USOE shall evaluate local programs through tri-
217 annual site monitoring visits, annual desk monitoring, and as
218 needed, additional site visits or both, to assure compliance.

219 J. Education staff, including program administrators,

220 assigned to provide education services shall be qualified and
221 appropriate for their assignments.

222 K. The teaching certificate and endorsement held by a
223 staff member of a school district or community-based program
224 shall be important in evaluating the appropriateness of the
225 teacher's assignment, but not controlling. For instance,
226 elementary teachers may teach secondary age students who are
227 performing academically at an elementary level in certain
228 subjects. Individuals teaching an adult education high school
229 completion class shall hold a valid Utah elementary or
230 secondary education license and may issue adult education high
231 school completion credits in multiple subjects. Non-licensed
232 individuals providing instruction in ESOL, ABE, GED Test
233 preparation or AHSC classes shall instruct under the
234 supervision of a licensed program employee.

235 L. Individuals with post-secondary degrees not in
236 possession of a Utah teaching licenses may be considered for
237 employment solely in an adult education program teaching adult
238 students following the completion of a student teaching field
239 experience in an accredited adult education program.

240 M. Individuals with TESOL or ESOL credentials may be
241 considered for employment solely in an adult education program
242 teaching adult students following the completion of a student
243 teaching experience in an accredited adult education program.

244 **R277-733-5. Fiscal Procedures.**

245 A. State funds appropriated for adult education are
246 allocated in accordance with Section 53A-17a-119.

247 B. No eligible school district shall receive less than
248 its portion of an eight percent base amount of the state
249 appropriation if:

250 (1) instructional services approved by the USOE have been
251 provided to eligible adult students during the preceding
252 fiscal year; or

253 (2) the school district is preparing to offer such
254 services--such a preparation period may not exceed two years.

255 C. Lapsing and nonlapsing funds

(1) Funds appropriated for adult education programs shall be subject to Board accounting, auditing, and budgeting rules.

(2) State adult education funds which are allocated to school district adult education programs and are not expended in a fiscal year may be carried over to the next fiscal year with written approval by the USOE. These funds may be considered in determining the school district's allocation for the next fiscal year. Carried over funds shall be expended within the next fiscal year. If funds are not expended, they shall be recaptured by the USOE on February 1 of each program year, and reallocated to other school district adult education programs based on need and effort as determined by the Board consistent with Section 53A-17a-119(3).

D. The USOE shall develop uniform forms, deadlines, program reporting and accounting procedures, and guidelines to govern the state (legislative) and federal AEFLA adult education funded programs. The Utah Adult Education Policy and Procedures Guide (updated annually) including forms, procedures and guidelines is available on the USOE adult education website.

R277-733-6. Adult Education Program Student Eligibility.

A. An individual is eligible to be a Utah adult education student if

(1) the prospective adult education student is at least 16 years of age and the student's class has not graduated; or

(2) a prospective adult education student who is otherwise eligible provides one of the following to establish Utah residency:

(a) valid state of Utah driver license;

(b) valid state of Utah driver privilege card;

(c) valid state of Utah identification card; or

(d) valid state of Utah resident fishing or hunting license.

(3) a prospective adult education student provides one of the following in the prospective student's name with the home mailing address (no post office boxes); documentation shall

292 have been received no more than 12 months prior to the
293 individual's registration request:

- 294 (a) mail from an in-state or out-of-state business;
- 295 (b) utility bill or work order;
- 296 (c) cell phone or telephone bill;
- 297 (d) employee pay stub;
- 298 (e) written statement on an employer's letterhead
299 defining a job commitment;
- 300 (f) current year automobile registration;
- 301 (g) Utah state government agency form letter;
- 302 (h) Utah public library card;
- 303 (i) rent or mortgage payment statement;
- 304 (j) Utah voter registration card;
- 305 (k) Utah high school/college transcript or report card;
- 306 (l) tribal correspondence;
- 307 (m) approved or denied free or reduced lunch application
308 from the individual's children's school that includes the
309 individual's name on the application;
- 310 (n) daycare or nursery school record of the individual's
311 children that includes the individual's name on the record;
- 312 (o) K-12 registration demographic card of children
313 enrolled in a Utah school that includes the individual's name
314 on the card.

315 B. The following does not establish residency for
316 purposes of adult education programs:

- 317 (1) mail addressed to occupant or resident;
- 318 (2) letters from friends or relatives;
- 319 (3) power of attorney documents;
- 320 (4) personal correspondence addressed to a post office
321 box.

322 C. To be eligible for participation in an adult
323 education program, a Utah resident shall be:

- 324 (1) an individual 17 years of age or older whose high
325 school class/cohort has graduated; or
- 326 (2) an individual emancipated under Section 78-3a-1005;
327 or
- 328 (3) an individual emancipated by marriage; or

(4) an individual who is at least 16 years of age who has not graduated from high school and who is no longer enrolled in a K-12 program of instruction; or

(5) a student 16 to 19 years of age whose class has not graduated and who is attending adult education classes as an alternative to a traditional public education program.

D. Non-Utah residents from states bordering Utah seeking enrollment into an adult education program in Utah shall be considered resident Utah students consistent with individual agreements between the Utah Adult Education Program and the individual states bordering Utah.

R277-733-7. Adult Education Pupil Accounting.

A. A Utah administered adult education program shall receive WPU funding for a student at the rate of 990 clock hours of membership per one weighted pupil (with part-time enrollment pro-rated by the school district) for a student who is a resident of a Utah school district who meets the following criteria:

(1) is at least 16 years of age but less than 19 years of age;

(2) who has not received a high school diploma or a Utah High School Completion Diploma;

(3) who intends to graduate from a K-12 high school; and

(4) who attends an SEOP meeting with his school counselor, school administrator/designee, parent/legal guardian to discuss the appropriateness of the student's participation in adult education.

B. A student 17 years of age or older, without a high school diploma but whose high school class has graduated, who is a Utah resident, and who intends to graduate from a K-12 high school, may, with parental/guardian consultation and written approval from all parties (if applicable), enroll in the state administered adult education program upon proof of Utah residency. Student attendance up to 990 clock hours of membership is equivalent to 1 FTE per year.

(1) The clock hours of students enrolled part-time shall

365 be prorated.

366 (2) As an alternative, equivalent WPUs may be generated
367 for competencies mastered on the basis of prior authorization
368 of a school district plan by the USOE.

369 C. For purposes of funding in an adult education program,
370 a student can only be a pupil in average daily membership once
371 on any day. If the student's day is part-time in the regular
372 school program and part-time in the adult education program,
373 the student's membership shall be reported on a prorated basis
374 for each program. A student may not be funded for more than
375 one regular WPU for any school year.

376 D. An out-of-school youth (minimum age of 16) who has not
377 graduated from high school, may, with parental/guardian
378 written approval (if applicable), school district
379 administrative written approval and proof of Utah residency,
380 enroll in an adult education program:

381 (1) The WPU shall not be generated by the student's
382 participation in an adult education program.

383 (2) This student shall be eligible for adult education
384 state funding.

385 (3) This student shall be presented with information
386 prior to or at the time of enrollment in an adult education
387 program that defines the consequences of the student's
388 decision including the following:

389 (a) The student may receive an Adult Education Secondary
390 Diploma upon completion of the minimum required Carnegie units
391 of credit as defined by the local adult education program; or

392 (b) The student may earn a Utah High School Completion
393 Diploma upon successful passing of all five GED Tests; or

394 (c) The student may, at the discretion of the school
395 district, return to his regular high school prior to the time
396 his class graduates with the understanding and expectation
397 that all necessary requirements for the traditional K-12
398 diploma shall be completed, provided that the student:

399 (i) is released from the adult education program; and

400 (ii) has not completed the requirements necessary for an
401 Adult Education Secondary Diploma; or

(iii) has not successfully passed all five GED Tests and has not received a Utah High School Completion Diploma.

(4) An out-of-school youth of school age who has received an Adult Education Secondary Diploma~~[or a Utah High School Completion Diploma]~~ is not eligible to return to a K-12 high school.

(5) An out-of-school youth of school age who has received a Utah High School Completion Diploma is not eligible to return to a K-12 high school unless it is required for the provision of a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C., Chapter 33

~~(5)~~(6) An out-of-school youth of school age who has successfully completed an Adult Education Secondary Diploma or a Utah High School Completion Diploma shall be reported as a graduate for K-12 graduation (AYP) outcomes.

~~(6)~~(7) An out-of-school youth of school age may be considered eligible to take the GED Test if all requirements as stated in R277-702, Procedures for Utah General Educational Development Certificate, are followed.

R277-733-8. Program, Curriculum, Outcomes and Student Mastery.

A. The Utah Adult Education Program shall offer courses consistent with the Utah Core curriculum under R277-700.

B. The Utah Core curriculum and teaching strategies may be modified or adjusted to meet the individual needs of the adult education student.

C. Written course descriptions for AHSC required and elective courses shall be developed by school district adult education programs for all classes taught, consistent with the Utah Core curriculum and Utah adult education curriculum standards, as provided by the USOE.

D. Written course descriptions for GED Test preparation, ESOL and ABE courses shall be developed cooperatively by school districts, CBOs and the USOE based on Utah Core curriculum standards, modified for adult learners.

E. Course descriptions shall contain adult education

438 mastery criteria and shall stress mastery of adult life skill
439 material consistent with Core objective standards and the Core
440 curriculum.

441 F. Course content mastery shall be stressed rather than
442 completion of predetermined seat time in a classroom.

443 G. Adult high school completion education is determined
444 by the following prerequisite courses:

445 (1) ESOL competency AEFLA levels one through six;

446 (2) ABE competency AEFLA levels one through four.

447 H. AHSC courses for students seeking an Adult Education
448 Secondary Diploma should meet federal AEFLA AHSC Levels I and
449 II competency requirements with a minimum completion of 24
450 credits under the direction of a Utah licensed teacher as
451 provided below:

452 (1) Adult High School Core Courses, as offered consistent
453 with Utah Core objectives:

454 (a) 24.0 units of credit required through satisfaction of
455 a course of study by demonstrated course competency or school
456 district approved competency examination in correlation with
457 the student's SEOP career focus;

458 (b) awarded adult education credit options including
459 continuous professional employment training required for a
460 professional license; or

461 (c) documented achievement of a trade or skill, basic or
462 advanced military training;

463 (d) apprenticeship, union or registered work credentials;

464 (e) successfully passing all five GED Tests; academic
465 credit for successfully passing all five GED Tests may only be
466 applied toward an Adult Education Secondary Diploma if the
467 proposed awarded units of credit [~~are entered into Utopia~~] were
468 transcripted by June 30, 2009;

469 (f) transcripted college or university courses as they
470 align to the following Core instructional areas:

471 (i) Language Arts: 3.0;

472 (ii) mathematics: 2.0, individualized mathematics courses
473 to meet the life needs of adult learners;

474 (iii) science: 2.0, from the four science areas of

chemistry, biological science, earth science, or physics;
 (iv) social studies: 2.50, 1.0 in United States history,
 .50 in United States government and civics, .50 in geography;
and .50 in world civilizations;
 (v) arts: 1.50;
 (vi) healthy lifestyles: 2.0, individualized courses
meeting the life needs of adult learners that include: .25 -
1.50 health education, .25 - 1.50 individualized fitness for
life courses;
 (vii) career and technical education (CTE): 1.00;
 (viii) general financial literacy: .50;
 (ix) education technology: .50 computer technology
courses or successful completion of school district approved
competency examination;
 (x) electives: 9.0 units of credit.

I. The USOE Adult Education Section and local education
programs shall disseminate clear information regarding revised
adult education graduation requirements.

J. Adult education students receiving education services
in a state prison or jail education program may graduate with
an Adult Education Secondary Diploma upon completion of the
state required 24.0 units of credit required under R277-700
and satisfied through completed credits or demonstrated course
competency or a Utah High School Completion Diploma upon
successful passing all five of the GED Tests consistent with
students' SEOP career focus.

K. Adult Education Secondary Diploma graduation
requirements may be changed or modified, or both, for adult
students with documented disabilities through Individual
Education Plans (IEPs) from age 16 up until their 22nd
birthday or an adult education SEOP, or both to meet unique
educational needs.

L. A student's IEP or adult education SEOP shall document
the nature and extent of modifications, substitutions, or
exemptions made to accommodate the student's disability(ies).

M. Modified graduation requirements for individual
students shall:

512 (1) be consistent with the student's IEP or SEOP, or
513 both;

514 (2) be maintained in the student's files;

515 (3) maintain the integrity and rigor expected for AHSC
516 graduation.

517 N. School districts shall establish policies:

518 (1) allowing or disallowing adult education students
519 participation in graduation activities or ceremonies; and

520 (2) allowing or disallowing adult education students from
521 participating in the Utah Basic Skills Competency Test
522 (UBSCT).

523 O. An adult education high school completion student may
524 only receive an Adult Education Secondary Diploma earned
525 through a designated Utah adult education program.

526 P. Adult education programs shall accept credits and
527 grades awarded to students from other state recognized adult
528 education programs, schools accredited by the Northwest
529 Association of Accredited Schools or schools or programs
530 approved by the Board without alteration.

531 Q. Adult education programs may establish reasonable
532 timelines and may require adequate and timely documentation of
533 authenticity for credits and grades submitted from schools or
534 private providers.

535 R. A school district/adult education program is the final
536 decision-making authority for the awarding of credit and
537 grades from non-accredited sources.

538 S. Adult education shall provide a program that allows
539 students to transition between sites in a seamless manner.

540 T. An adult education student seeking a Utah High School
541 Completion Diploma shall be offered a course of academic
542 instruction designed to prepare the student to take the GED
543 Tests.

544 U. A Utah High School Completion Diploma shall be issued
545 by the Board and distributed by the GED testing centers as
546 agents of the Board or directly by the USOE GED administrator.
547 Receipt of the Utah High School Completion Diploma does not
548 end entitlement to a free appropriate public education for a

student eligible for special education under IDEA.

V. Upon completion of requirements for a Utah Adult Education Secondary Diploma, or a Utah High School Completion Diploma, adult education students may only continue in an adult education program to improve their basic literacy skills if:

(1) their academic skills are less than 12.9 grade level in an academic area of reading, math or English; and

(2) they lack sufficient mastery of basic educational skills to enable them to function effectively in society. The focus of instruction shall be solely literacy and is limited specifically to reading, math or English.

R277-733-9. Adult Education Programs--Tuition and Fees.

A. Any adult may enroll in an adult education class consistent with Section 53A-15-404.

B. Tuition and fees shall be charged for ABE, GED preparation, AHSC, or ESOL courses in an amount not to exceed \$100 annually per student based on the student's ability to pay as determined by federal free and reduced lunch guidelines, under the Richard B. Russell National School Lunch Act, 42 USC 1751, et seq. The appropriate student fees and tuition shall be determined by the local school board or CBO board of trustees.

C. Adults who are or may attend adult education programs shall be given adequate notice of program tuition and fees through public posting. Any charged tuition or fees shall be set and reviewed annually.

D. Adult education tuition and fees shall be waived or students shall be offered appropriate work in lieu of waivers for students who are younger than 18, qualify for fee waivers under R277-407, and their class has not graduated.

E. Tuition may be charged for courses that satisfy requirements outlined in R277-733-8B, when adequate state or local funds are not available.

F. Fees may be charged for consumable and nonconsumable items necessary for adult high school courses that satisfy

585 requirements outlined in R277-733-8B, consistent with the
586 definitions under R277-733-1E and R277-733-1I.

587 G. Fees and tuition charged and collected by adult
588 education programs shall be reasonable and necessary as
589 determined by the local boards of education or boards or
590 trustees.

591 H. Collected fees and tuition shall be used specifically
592 to provide additional adult education and literacy services
593 that the program would otherwise be unable to provide.

594 I. The local program superintendent/chief executive
595 officer and business administrator shall acknowledge by
596 signature as part of the program's grant plan (state or
597 federal, or both) submission and program assurances that all
598 fees and tuition collected and submitted for accounting
599 purposes are:

600 (1) returned/delegated with the exception of indirect
601 costs to the local adult education program;

602 (2) used solely and specifically for adult education
603 programming;

604 (3) not withheld and maintained in a general maintenance
605 and operation fund.

606 J. All collected fees and tuition generated from the
607 previous fiscal year shall be spent in the adult education
608 program in the ensuing program year.

609 K. Collected fees and tuition may not be counted toward
610 meeting federal matching, cost sharing or maintenance of
611 effort requirements related to the local program's award.

612 L. Annually, local programs shall report to the school
613 district or community-based organization all fees and tuition
614 collected from students associated with each funding source.

615 M. Fees and tuition collected from adult education
616 students shall not be commingled or reported with community
617 education funds or any other public education fund.

618 **R277-733-10. Allocation of Adult Education Funds.**

619 Adult education state funds shall be distributed to
620 school districts offering adult education programs consistent

with the following:

A. Base amount distributed equally to each participating school district with a Board-approved adult education plan and budget - eight percent of appropriation.

B. Enrollee status students (not participants)- 25 percent of appropriation.

C. Contact hours (instructional and non-instructional) for both enrollee status students and participants - 18 percent of appropriation.

D. Adult Education Secondary Diplomas or Utah High School Completion Diplomas, whichever is awarded first.

E. Enrollee level gains: ESOL competency levels 1-6, ABE competency levels 1-4, and AHSC competency levels 1-2 - 20 percent.

F. Enrollee adult education completed secondary credits - nine percent.

F. Supplemental support, to be distributed to school districts for special program needs or professional development, as determined by written request and USOE evaluation of need and approval - three percent or balance of appropriation.

(1) Any school district with pre-approved carryover adult education funds from the previous fiscal year may negotiate a request for supplemental funding as needed.

(2) Priority of supplemental funding shall be given to school districts whose initial adult education allocation is less than one percent of the state allotted total, as indicated on the state allocation table.

(3) Any balance of supplemental funds may be applied for by all remaining eligible school districts.

G. Funds, state (flow through) or federal (reimbursement) or both, may be withheld or terminated for noncompliance with state policy and procedures and associated reporting timelines as defined by the USOE.

R277-733-11. Adult Education Records and Audits.

A. Official records kept in perpetuity: To validate

657 student outcomes, local programs shall maintain records for
658 each program site in perpetuity which clearly and accurately
659 show for each student:

660 (1) documentation of Utah residency; the student's
661 initial managing program shall maintain documentation of Utah
662 residency in the student's file in perpetuity; documentation
663 of such proof shall be entered in the student's UTopia data
664 record;

665 (2) copies of:

666 (a) transcribed grade data including previous report
667 cards, transcripts, work verification, military training,
668 professional licenses, union or registered work credentials;

669 (b) GED Test Score Report showing successful passing of
670 all five areas of the GED Test;

671 (c) completed Core followup surveys;

672 (d) releases of information requesting student record
673 information and releases of student information to other
674 requesting agencies;

675 (e) special education IEPs for students under the age of
676 22; and

677 (f) outside psychological, psychiatric or medical
678 documentation used in determining education programming
679 accommodations; and records of accommodations.

680 B. To validate student outcomes annually, the student's
681 managing program shall maintain records for each program site
682 which clearly and accurately show for each student:

683 (1) signed or refusal to sign waiver of release forms;

684 (2) all assessment protocol sheets (pre- and post-tests)
685 used to determine student's EFL and level gains; and

686 (3) contact hours (both noninstructional and
687 instructional) documentation.

688 C. Audits:

689 (1) To ensure valid and accurate student data, all
690 programs accepting either state or federal adult education
691 funds, or both, shall enter and maintain required student data
692 in the UTopia data system.

693 (2) Annually, an independent auditor shall be retained by

each school district and CBO to audit student accounting records to verify UTopia data entries.

(3) Reports of accuracy shall be completed and submitted to the school districts' boards of education, the CBOs boards' of trustees, as appropriate, the local adult education program director, and the USOE.

(4) The USOE shall receive the final auditor report by September 15 annually.

(5) Local programs shall prepare and submit to the USOE a written corrective action plan for each audit finding by October 15 annually.

(6) USOE adult education staff members are responsible to monitor and assist programs in the resolution of corrective action plans.

(7) A program's failure to resolve audit findings may result in the termination of state and federal funding, or both.

(8) Independent audit reporting dates, forms, and procedures are available in the state of Utah Legal Compliance Audit Guide provided to the school districts and CBOs by the USOE in cooperation with the State Auditors' Office and published under the heading of APPC-5.

(9) USOE Adult Education Services program staff shall conduct tri-annual program reviews of each program to ensure accuracy of program data and program compliance. Desk monitoring shall be completed during years when tri-annual reviews are not performed. Additional informal monitoring or reviews or site visits may be conducted as necessary and as follows.

(10) As needed, monitored programs shall prepare and submit to the USOE a written corrective action plan for each monitoring finding as requested by the USOE.

(11) USOE adult education staff are responsible to monitor and assist programs in the resolution of corrective action plans.

(12) A program's failure to resolve audit findings may result in the termination of state or federal funding or both.

731 (13) The USOE shall review for cause school district or
732 CBO records and practices for compliance with the law and this
733 rule.

734 **R277-733-12. Advisory Council.**

735 A. The State Superintendent of Public Instruction or
736 designee shall represent Adult Education programs on the
737 Department of Workforce Services State Council as a voting
738 member.

739 B. Adult education programs shall participate on or
740 establish and maintain a local interagency advisory council
741 consisting at a minimum of partner agencies including the
742 Department of Workforce Services, the State Office of
743 Rehabilitation, higher education, the Utah College of Applied
744 Technology, industry and community representation, and other
745 appropriate agencies with the purpose of supporting the
746 mission of adult education in Utah.

747 **KEY: adult education**

748 **Date of Enactment or Last Substantive Amendment: [~~June 23,~~**
749 **]2009**

750 **Notice of Continuation: October 5, 2007**

751 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3;**
752 **53A-15-401; 53A-1-402(1); 53A-1-401(3); 53A-1-403.5; 53A-17a-**
753 **119; 53A-15-404**